REMARKS/ARGUMENTS

The rejections presented in the Office action dated July 22, 2010 (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the § 101 rejection of claims 16-18, the claims have been amended to indicate that the claimed computer readable storage media are non-transitory. Applicant notes that non-transitory computer readable storage media comprise all computer readable storage media, with the sole exception being a transitory, propagating signal. Since an interpretation of the claims is now limited to statutory subject matter, Applicant submits that the rejection has been overcome and accordingly requests that the rejection be withdrawn.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, independent claims 12, 17, 18, 32, and 39, have been amended to characterize that the features in each of the claims are for mobile communications devices. Support for these changes may be found, for example, in claim 12 and in paragraph [0023]; therefore, the changes do not introduce new matter. Also, independent claims 1, 9, and 16, have been amended to more explicitly recite that the binding data is transmitted on the basis of the check. These limitations were implicitly present in the claims; therefore, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

Applicant respectfully traverses the § 103(a) rejection of claims 1, 3-7, 9, 16, 23-26, 28, 30, 31, and 48 based on the teachings of U.S. Publication No. 2003/0023759 by Littleton *et al.* (hereinafter "Littleton") as modified by those of U.S. Publication No. 2001/0041592 by Suonpera *et al.* (hereinafter "Suonpera") and U.S. Patent No. 6,247,135 to Feague (hereinafter "Feague") because the requisite evidence of motivation to combine the asserted references has not been presented. In an effort to overcome the fact that Littleton does not teach or suggest a second synchronization step, as claimed, the Office action

asserts that Suonpera would teach such a step. However, the Office action has not demonstrated why it would have been obvious to have the two separate synchronization steps. In section seven of the Office action it is merely generally asserted that it would have been obvious to synchronize binding data "in order to synchronize all settings of a first phone to a second device to backup all settings for data recovery purposes". However, this (as well as the assertion "which enables the user to easily change phones" in section five) fails to demonstrate obviousness of the binding data being synchronized as a separate, second step as claimed. Instead of teaching, or even enabling separation of data to separate synchronization events, Littleton emphasizes that the telephone service feature information and the phone numbers are transmitted in a single step, and that such information is compressed into a compressed coded string. No evidence of motivation to deviate from this approach, or in particular separating the synchronization of the contact information and the contact, has been shown. Moreover, adding a second synchronization step to Littleton would not result in synchronizing binding data separately since Littleton already teaches synchronizing the asserted binding data in the first step. Since Littleton already teaches a synchronization step, Littleton already teaches synchronizing all settings of a device (PDA) to a second device (PC) to backup all settings for data recovery purposes and enables a user to change devices. Therefore, no evidence has been presented to modify Littleton to synchronize data in separate synchronization steps as claimed.

With further respect to the assertions regarding Feague, the Office action merely generally asserts that a "negotiation phase" may occur at the beginning of synchronization to generally exchange device capability information. Feague then teaches proceeding with the synchronization in a manner most efficient for the features available (*see also,* Col. 8, lines 52-57). While, Feague describes use of RECORD_FILTERING, CHANGE_TRACKING and RECORD_ACCESS parameters, there is no suggestion towards enabling checking if the device supports binding data synchronization and further control of sending of the binding data in accordance with such binding data capability checking, as claimed. The claimed binding data is specifically recited as associating a user data identifier identifying a user data unit with an identifier for identifying at least one

function of a communications device. The generic disclosure in Feague cannot correspond to the specifically claimed features. Thus, there is no suggestion in the asserted combination of teachings towards such binding data capability-related features. Without the requisite evidence of motivation and correspondence to each of the claimed limitations, the § 103(a) rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

Applicant also respectfully traverses the § 103(a) rejection of claims 12, 17, 18, 22, 32, 33, 36, 38, 39, 40, 43, and 45 based on Suonpera as modified by those of U.S. Publication No. 2003/0069874 by Hertzog *et al.* (hereinafter "Hertzog") because the asserted references alone, or in combination do not teach or suggest each of the claimed limitations. As discussed above, independent claims 12, 17, 18, 32, and 39 are now directed to mobile communications devices. However, the cited portions of Suonpera (*e.g.*, paragraphs [0061] and [0062]) describe features of a PC. Without correspondence to each of the now-claimed limitations, the rejection would be improper.

Second, in contrast to the assertions in the Office action, Hertzog does not teach or suggest the claimed checking if all data units defined in received binding data are available, i.e. check the specific binding data entries to determine user data identifiers and comparing such user data identifiers of the binding data to identifiers of (already stored) user data available in the device. Hertzog fails to suggest binding data associating a user data identifier identifying a user data unit with an identifier for identifying at least one function of a communications device. Therefore, Hertzog fails to suggest any of the claimed actions regarding such binding data (received in a second synchronization step). Instead, Hertzog merely discloses in paragraph [0058] a general synchronization between external entities and a client application 18 (of a client machine 12, *see* Fig 1). The cited "obtain updates" merely refers to the synchronization engine obtaining data changed since the last synchronization event. This is far from the claimed checking of user data based on the specific binding data.

Hertzog also fails to disclose the claimed request of at least one further user data unit from the second communications device in response to the at least one user data

unit defined in the received binding data not being available in the mobile communications device on the basis of the check. The cited "reconcile conflicts" in paragraph [0058] is instead part of data synchronization by the synchronization engine 28, i.e. when the data sets of the databases being synchronized are compared. To illustrate, there may be a conflict if the same data item has been stored in two databases at different times, and the engine 28 may thus select a newer one to be maintained. The cited features of Hertzog are very remote from the request-related claim features. In addition, Hertzog fails to teach or suggest the claimed forming of a binding between the received at least one further user data unit and at least one of functions of the mobile communications device in accordance with the binding data. The cited "mapping operation" in paragraph [0059] is instead directed to mapping between fields of databases, not binding to device function-related features, as claimed. Thus, Hertzog fails to overcome several of the limitations acknowledged to be missing from Suonpera. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

Dependent claims 3-7, 22, 24-26, 28, 30, 31, 33-36, 38, 40-43, 45, and 48 depend from independent claims 1, 18, 23, 32, and 39, and each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combinations of Littleton, Suonpera, and Feague, and Suopera with Hertzog, respectively. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent claims 3-7, 22, 24-26, 28, 30, 31, 33-36, 38,

40-43, 45, and 48 are also patentable over the combinations of Littleton, Suonpera, and Feague, and Suopera with Hertzog.

With respect to the § 103(a) rejections of dependent claims 8, 27, 37, and 44 based upon the further teachings of U.S. Publication No. 2003/0220966 by Hepper *et al.* (hereinafter "Hepper"), Applicant traverses as the asserted references alone, or in combination, do not teach each of the claimed limitations. As discussed above, the modifications to Littleton and Suonpera fail to at least teach features occurring after a second synchronization step transferring binding data, as claimed. As Hepper has not been shown, and does not appear, to teach at least these absent limitations, the further reliance on Hepper does not overcome the above-discussed deficiencies in the § 103(a) rejections. Therefore, the rejections are improper, and Applicant requests that the rejections be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.054PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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